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greater degree of care, a like degree of care was also imposed on decedent, who had knowledge of the situation.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 46, Trial, §§ 613-623.]

16. Same—Contradictory Instructions.—In an action for the death of a traveler struck by a train at a crossing, an instruction that the fact that, sheds obstructing the view of a train approaching the crossing, ran into a street, could not affect plaintiff's case, and that decedent was not responsible for the sheds being in the street, provided they had been there sufficiently long prior to the accident to give the company knowledge of their existence, was in conflict with an instruction stating that the sheds imposed a different duty on decedent in approaching the crossing from that which would have been imposed on him, had not the sheds obstructed the view, necessitating a setting aside of the verdict.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 46, Trial, §§ 564-566.]

17. Same—Evidence—Instructions.—Where, in an action for the death of a traveler struck by an engine at a crossing, there was nothing in the surroundings of the accident which decedent could construe as an invitation to him to cross the track, and thereby lull him into the belief that he could safely do so, an instruction on the theory that decedent was without fault, and was confronted with a sudden danger brought about by the negligence of the company, excusing him from the exercise of reasonable care, was not justified by the evidence.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 46, Trial, §§ 596-602.]

18. Same.—Where the facts in a case are few, and two or three instructions directed to the material questions are ample to submit the case to the jury, the court should not multiply its instructions.

BOER WAR SPECTACLE *v.* COMMONWEALTH.

Jan. 16, 1908.

[60 S. E. 85.]

Theaters and Shows—Licenses.—A company giving an entertainment consisting of panoramic reproductions of battles of the Anglo-Boer war, with portrayal of military maneuvers, but with no circus rings, trapeze acting, wild beasts, or clowns, is assessable with a license tax, under Acts 1902-03, p. 205, c. 148, § 108, providing for the assessment of a license tax upon theatrical performances, panoramas, etc., and not under section 111, providing for a license tax upon shows, circuses, and menageries.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 45, Theaters and Shows, § 3.]